

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

Plaintiff,

No. CIV S-05-0315 LKK DAD P

vs.

DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On February 23, 2005, the magistrate judge filed findings and recommendations recommending that this action be dismissed as duplicative. The findings and recommendations were served on plaintiff and contained notice that any objections to the findings and recommendations were to be filed within twenty days. The findings and recommendations were returned as undeliverable, but on April 4, 2005, it was reserved at a Delano, California address which was provided on a letter filed by plaintiff on March 31, 2005 in case number CIV S-04-2732 GEB CMK P. The findings and recommendations mailed to Delano, California has not

1 been returned to the court as undeliverable. On April 18, 2005, plaintiff filed a letter requesting
2 copies of court forms and this letter indicated a Los Angeles post office address. On April 25,
3 2005, the court ordered the February 23, 2005 findings and recommendations served at the Los
4 Angeles address. These findings and recommendations were returned as undeliverable on May 3,
5 2005.

6 Plaintiff has not filed objections to the findings and recommendations although
7 plaintiff was served at his address of record. In the interests of justice, the court also attempted
8 to serve plaintiff at other known addresses, although plaintiff did not file a notice of change of
9 address as required by Local Rule 83-182(f). It is the plaintiff's responsibility to keep the court
10 apprised of his current address at all times. Pursuant to Local Rule 83-182(f), service of
11 documents at the record address of the party is fully effective.

12 The court has reviewed the file and finds the findings and recommendations to be
13 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
14 ORDERED that:

- 15 1. The findings and recommendations filed February 23, 2005, are adopted in
16 full; and
17 2. This action is dismissed without prejudice.

18 DATED: June 7, 2005.

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20 /s/Lawrence K. Karlton
21 UNITED STATES DISTRICT JUDGE

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